

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MICHAEL L. CAIRNS,

Plaintiff,

vs.

JAMES KOZEL,

Defendant.

**8:20CV162**

**MEMORANDUM AND ORDER**

This matter is before the court on what the court construes as Plaintiff's motion for discovery. ([Filing 7](#).)

No discovery may take place in this case at this time. Before this matter may proceed, Plaintiff is required to pay an initial partial filing fee of \$1.01. Once payment is made, the court is required to review Plaintiff's Complaint to determine whether summary dismissal is appropriate. *See 28 U.S.C. § 1915(e)(2)*. The court must dismiss a complaint or any portion thereof that states a frivolous or malicious claim, that fails to state a claim upon which relief may be granted, or that seeks monetary relief from a defendant who is immune from such relief. *28 U.S.C. § 1915(e)(2)(B)*.

The court has not yet conducted an initial review of Plaintiff's Complaint pursuant to section 1915(e). No discovery may take place in this case unless the court determines that this matter may proceed to service of process. Accordingly, Plaintiff's motion for discovery ([filing 7](#)) is denied without prejudice to reassertion.

IT IS THEREFORE ORDERED that: Plaintiff's motion for discovery ([filing 7](#)) is denied without prejudice to reassertion.

Dated this 18th day of June, 2020.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge